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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,691	06/26/2003	Robert F. Henrick	100.2494	5375

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PRIEST & GOLDSTEIN PLLC  
5015 SOUTHPARK DRIVE  
SUITE 230  
DURHAM, NC 27713-7736

EXAMINER

NGUYEN, KHAI MINH

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,691	<b>Applicant(s)</b> HENRICK, ROBERT F.	
	<b>Examiner</b> Khai M. Nguyen	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/4/2006 have been fully considered but they are not persuasive.

Regarding the Ozaki reference, applicant states that Ozaki is no teaching and no suggestion of claimed "configuring for placing said device in a receiving said digital information from the personal computer over said wireless communication path, said communication means receiving said digital information from the personal computer after said device is configured by said configuring means to receive said digital information".

In contrast to applicant's assertions, the examiner directs the applicant to Ozaki et al. (U.S.Pat-5933478). Ozaki et al. (U.S.Pat-5933478) clear disclose configuring for placing said device in a receiving said digital information from the personal computer over said wireless communication path (fig.1-2, and 12, col.11, line 52 to col.12, line 23, transceiver unit 107 dial to establish a line connection to the host computer 110, and data acquisition processing is activated when the message reception unit 105 receives the new data file arrival message from the host computer).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozaki et al. (U.S.Pat-5933478).

Regarding claim 22, Ozaki teaches a portable information device (fig.1, handheld terminal device 100) comprising:

a memory for storing (fig.2, storage 104) and retrieving digital information (col.8, lines 29-31);

communication means (fig.2, message reception unit 105, transceiver unit 107) for connecting to a communication path established between a personal computer (fig.1, host computer 110) and said device (fig.1, handheld terminal device 100, col.8, lines 17-42), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, handheld terminal device 100, host computer 110, base stations 130 and 140, col.8, lines 17-42); and

configuring means for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path (fig.1-2, and 12, col.11, line 52 to col.12, line 23, *transceiver unit 107 dial to establish a line connection to the host computer 110, and data acquisition processing is activated when the message reception unit 105 receives the new data file arrival message from the host computer*), said communication means (fig.2, message reception unit 105, transceiver unit 107) receiving said device information from the personal computer after said device is configured by said configuring means to receive said digital information

(fig.2, and 12, col.11, line 52 to col.12, line 23), said communication means storing received digital information into said memory (fig.2, storage 104, col.8, lines 29-31, col.9, lines 30-33).

Regarding claim 23, Ozaki teaches the portable information device of claim 22 wherein said digital information includes a personalized directory of telephone numbers (fig.4, and 7, col.9, lines 11-32).

Regarding claim 24, Ozaki teaches the portable information device of claim 22 wherein said configuring means includes a user interface for a user to initiate placing said device in said receive mode (fig.1, col.7, line 61 to col.8, line 16).

Regarding claim 25, Ozaki teaches the portable information device of claim 22 wherein said memory includes a database allowing access to stored information to a user (fig.29-30, col.19, lines 34-61, col.25, lines 1-23).

Regarding claim 26, Ozaki teaches the portable information device of claim 22 wherein said information includes a personalized directory of appointments (fig.4, and 7, col.9, lines 11-32).

Regarding claim 27, Ozaki teaches the portable information device of claim 23 wherein said personalized directory includes a name associated with each of said telephone numbers (fig.4, and 7, col.9, lines 11-32).

Regarding claim 28, Ozaki teaches the portable information device of claim 26 including means for providing an audible alerting signal at a predetermined time (col.4, lines 27-43, col.12, lines 40-56), said predetermined time being associated with a

particular one of the appointments within the personalized directory of appointment (fig.4, and 7, col.9, lines 11-32).

Regarding claim 29, Ozaki teaches a method of remotely programming a portable information device (fig.2, handheld terminal device 100, col.8, lines 17-42), said device operating to wirelessly communicate in a cellular telephone system (fig.1, handheld terminal device 100, host computer 110, and base stations 130 and 140, col.7, line 61 to col.8, line 6), the method comprising:

configuring said device in a receive mode for receiving digital information (fig.1-2, and 12, col.11, line 52 to col.12, line 23, *transceiver unit 107 dial to establish a line connection to the host computer 110, and data acquisition processing is activated when the message reception unit 105 receives the new data file arrival message from the host computer*);

connecting to a communication path established between (fig.1, handheld terminal device 100, host computer 110, and base stations 130 and 140, col.7, line 61 to col.8, line 6) a personal computer (fig.1, host computer 110) and said device (fig.1-2, handheld terminal device 100), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, handheld terminal device 100, host computer 110, base stations 130 and 140, col.8, lines 17-42); and

receiving said digital information from the personal computer over the wireless communication path after said device is configured to receive said digital information (fig.1-2, and 12, col.11, line 52 to col.12, line 23).

Regarding claim 30, Ozaki teaches the method of claim 29 further comprising:

storing the received digital information into a memory (fig.2, storage 104, col.8, lines 29-31, col.9, lines 30-33).

Regarding claim 31, Ozaki teaches the method of claim 29 wherein said digital information includes a personalized directory of telephone numbers (fig.4, and 7, col.9, lines 11-32).

Regarding claim 32, Ozaki teaches the method of claim 31 wherein said personalized directory includes a name associated with each of said telephone numbers (fig.4, and 7, col.9, lines 11-32).

Regarding claim 33, Ozaki teaches a portable information device (fig.2, handheld terminal device 100) comprising:

a memory for storing (fig.2, storage 104) and retrieving digital information (col.8, lines 29-31));

a communication component (fig.2, message reception unit 105, transceiver unit 107) connecting to a communication path established between a personal computer and said device (), said communication path including a portion comprising a wireless communication path in a cellular telephone system (); and

a user interface (fig.2, input unit 103) for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path (fig.1-2, and 12, col.11, line 52 to col.12, line 23, *transceiver unit 107 dial to establish a line connection to the host computer 110, and data acquisition processing is activated when the message reception unit 105 receives the new data file arrival message from the host computer*), said communication component receiving said

digital information from the personal computer after said device is configured by said user interface to receive said digital information (fig.1-2, and 12, col.11, line 52 to col.12, line 23), said communication component storing received digital information into said memory (fig.2, storage 104, col.8, lines 29-31, col.9, lines 30-33).

Regarding claim 34, Ozaki teaches the portable information device of claim 33 wherein said digital information includes a personalized directory of telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 35, Ozaki teaches the portable information device of claim 33 wherein said configuring means includes a user interface for a user to initiate placing said device in said receive mode (fig.1, col.7, line 61 to col.8, line 16).

Regarding claim 36, Ozaki teaches the portable information device of claim 33 wherein said memory includes a database allowing access to stored information to a user (fig.29-30, col.19, lines 34-61, col.25, lines 1-23).

Regarding claim 37, Ozaki teaches the portable information device of claim 33 wherein said information includes a personalized directory of appointments (fig.4, and 7, col.9, lines 11-32).

Regarding claim 38, Ozaki teaches the portable information device of claim 34 wherein said personalize directory includes a name associated with each of said telephone numbers (fig.4, and 7, col.9, lines 11-32).

Regarding claim 39, Ozaki teaches the portable information device of claim 37 including means for providing an audible alerting signal at a predetermined time (col.4, lines 27-43, col.12, lines 40-56), said predetermined time being associated with a



particular one of the appointments within the personalized directory of appointment (fig.4, and 7, col.9, lines 11-32).

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen  
AU: 2617

7/5/2006

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER